

REMARKSRejections under 35 USC 112:

Claims 1, 3-9, and 13-16 have been rejected for containing new matter.

In response to the rejection, Applicants have deleted the phrase "which is not complexed with another molecule" and inserted the term "naked polynucleotide." Applicants believe that persons in their field would agree that the phrase "which is not complexed with another molecule" is synonymous with the term "naked" in this context. Applicants wish to point out that they have defined the term "naked" in many patent applications and other publications that is consistent with the phrase.

However, Applicants agree that the phrase is not in the specification as correctly pointed out by the Examiner and believe that the change in terminology will advance the prosecution of their application. Therefore, claim 1 has been amended accordingly as helpfully suggested by the Examiner.

Support for the amendment may be found on page 4, line 26 of the Specification.

Rejection under 35 USC 102:

Claims 1, 3-6, 8, 13-15 have been rejected under §102 as being anticipated by Kumasaka *et al.* The Action states that Kumasaka inherently increases pressure against vessel walls because the needle used is external to the tail vein.

Applicants have amended Claim 1 to be more specific. Claim 1 now indicates "increasing the permeability of the vessel within the target tissue." This is in contrast to Kumasaka where the pressure is limited to the point of injection.

Support for this amendment can be found in the Specification on page 5, line 25.

Claims 1, 3-6, 8, and 13-16 have been rejected under §102 as being anticipated by Graham *et al.* The Action states that Graham inherently increases pressure against vessel walls because the needle used is external to the tail vein.

Applicants have amended claim 1 as described in this Response for the previous §102 rejection.

Applicants believe that this terminology obviates both Graham *et al.* and Kumasaka *et al.* as a prior art considerations.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1, 3-9 and 13-16 should be allowable.

Respectfully submitted,



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I hereby certify that this correspondence is being sent by facsimile transmission to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 5/5/2005.



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